

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



DRAFT PERMIT

Permit No: 200800569-KZ

Town: Branford

Work Area: West Point Road Ball Field Marshes off Stony and Pine Creek

Permittee: Town of Branford
1019 Main Street
Branford, CT 06405

Pursuant to sections 22a-359 through 22a-363f of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98 and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to retain an existing outfall pipe and conduct tidal wetland enhancement as is more specifically described below in the SCOPE OF AUTHORIZATION, in Long Island Sound off property identified as the "work area" above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AND INJUNCTIONS, AS PROVIDED BY LAW.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #200800569-KZ, including 9 sheets of plans submitted by the Permittee to the Commissioner and attached hereto, as follows: Figures 1, 2, 3a through 3f and 4 received February 26, 2008 as follows:

1. retain an existing 30" diameter reinforced concrete pipe (RCP) at invert elevation 2.77' NGVD and associated stone headwalls located within the existing West Point Road crossing as shown on Figure 4 of the plans attached hereto;
2. install a new 30" diameter RCP immediately west of the existing RCP described in paragraph 1., above, to improve tidal flushing as follows:
 - a. excavate approximately 35.6 cubic yards of existing West Point roadway over 160 square feet to a depth of approximately 6' below grade to expose the existing the existing 30" diameter RCP;

- b. backfill the excavated area with 1 ½" diameter processed stone to set the proposed 30" diameter RCP at approximate invert elevation 2.3' NGVD as shown on Figure 4. of the plans attached hereto;
 - c. backfill the remaining excavated area identified in paragraph 1.a., above, with 1 ½" diameter processed stone to the elevation of the surrounding grade;
 - d. place approximately 25 cubic feet of 1 cubic foot stone material or smaller to form a new headwall for the new 30" diameter RCP on both the upstream and downstream sides of the pipe;
3. breach an existing soil berm located within Marsh Area A as shown on Figure 3C of the plans attached hereto to allow for better tidal flushing within the marsh area as follows:
 - a. excavate approximately 60 cubic yards of an approximately 40 linear foot section of the existing soil berm to approximately elevation no higher 4.0' NGVD;
 - b. form the excavated side slopes of the excavated area described in paragraph 3. a., above to 3 horizontal: 1 vertical;
 - c. dispose of the excavated material along the northern border of the existing ball field landward of the high tide line; and
4. create approximately 600 linear feet of new tidal channel north of the existing ball field as shown Figure 3F of the plans attached hereto as follows:
 - a. excavate approximately 267 cubic yards of material to form an approximately 4' wide x 3' deep tidal channel to elevation 3.74' NGVD; and
 - b. dispose of the excavated material along the northern border of the existing ball field landward of the high tide line.

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

SPECIAL TERMS AND CONDITIONS

1. Except as specifically authorized by this permit, no equipment or material including, but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any tidal wetland or watercourse on or off-site, nor shall any tidal wetland or watercourse be used as a staging area or accessway other than as provided herein.
2. Not later than two weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the

name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.

3. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums and structures.
4. All work authorized herein is prohibited between June 1st and September 30th, inclusive, of any year in order to protect spawning shellfish in the area unless otherwise authorized in writing by the Commissioner.
5. All work authorized herein shall be completed no later than November 15, 2010 unless otherwise authorized by the Commissioner in writing.
6. The Permittee shall manage and otherwise store, treat, dispose and/or reuse such excavated sediments in accordance with all applicable local, state, and federal requirements.
7. The Permittee shall conduct all dewatering in accordance with sections 22a-430 and 22a-430(b) of the Connecticut General Statutes.
8. The Permittee shall submit to the Commissioner for review and comment an annual monitoring report for a period not less than 3 years for the tidal wetland enhancement work described in the SCOPE OF AUTHORIZATION paragraphs 2. through 4., above. Such monitoring report must be submitted to the Department no later than December 15th of any year and shall contain the following information: 1) a general overview of the success of the tidal wetland enhancement work to date; 2) visual estimates of percent cover of tidal wetland grasses versus *Phragmites* grasses within areas north of the existing ball field; 3) visual estimates of the reduction in the abundance and health of *Phragmites* grasses at the site within areas north of the existing ball field; 4) a discussion of the overall increase in tidal flushing and marsh surface wetness above what has been historically observed at the site; and 5) a discussion of any remedial measures recommended to achieve greater enhancement of the tidal wetland area if the completed enhancement project does not appear to be providing the anticipated effect. The Permittee shall immediately implement any additional remedial recommendations that may be prescribed by the Commissioner in writing. If the Commissioner determines following the 3 year monitoring program that the approved restoration plan has not been successful, the Permittee shall submit for review and written approval of the Commissioner a revised plan to achieve tidal wetland enhancement at the site.
9. All excavated material disposed of on-site must be located on the upland, landward of the high tide line and outside of any tidal wetlands. Any material disposed of on-site must be capped with topsoil and seeded to prevent erosion of the area. At no time shall the Permittee allow any sediment or dewatering wastewater to discharge into the adjacent tidal wetlands at the site.
10. All work authorized herein shall be conducted during periods of low water.

11. The Permittee shall install and maintain sediment erosion control measures such as silt fence or haybales within any adjacent upland disturbed area while work is ongoing to prevent the upland erosion of material from entering the adjacent waterway.
12. The Permittee shall utilize low ground pressure track mounted equipment that does not exceed 3 psi on the marsh surface for the breaching of the berm and creation of the tidal creek authorized herein. The Permittee may utilize low ground pressure mats instead of low ground pressure track mounted equipment provided the mats are specified for generating a total ground pressure that does not exceed 3 psi. Prior to the utilization of any low ground pressure mats, the Permittee shall submit to the Commissioner for review and written approval, the specifications for such matting and the weights of intended equipment that will carry the weight load.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed no later than November 15, 2010 unless otherwise authorized by the Commissioner in writing and in accordance with all conditions of this permit and any other applicable law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. Prior to the commencement of any work authorized hereunder, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
4. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three days prior to the commencement of such work and no later than seven days after the completion of such work.
5. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363f.
6. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
7. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.

8. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

9. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
10. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorization work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
11. This permit may be revoked, suspended, or modified in accordance with applicable law.
12. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
13. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
14. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the

Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.

15. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
16. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
17. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
18. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.
19. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
20. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2009

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Amey W. Marrella
Acting Commissioner

Permit Application No. 200800569-KZ
Town of Branford
KZ/

OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127

PERMITTEE: Town of Branford
1019 Main Street
Branford, CT 06405

Permit No: 200800569-KZ, Branford

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

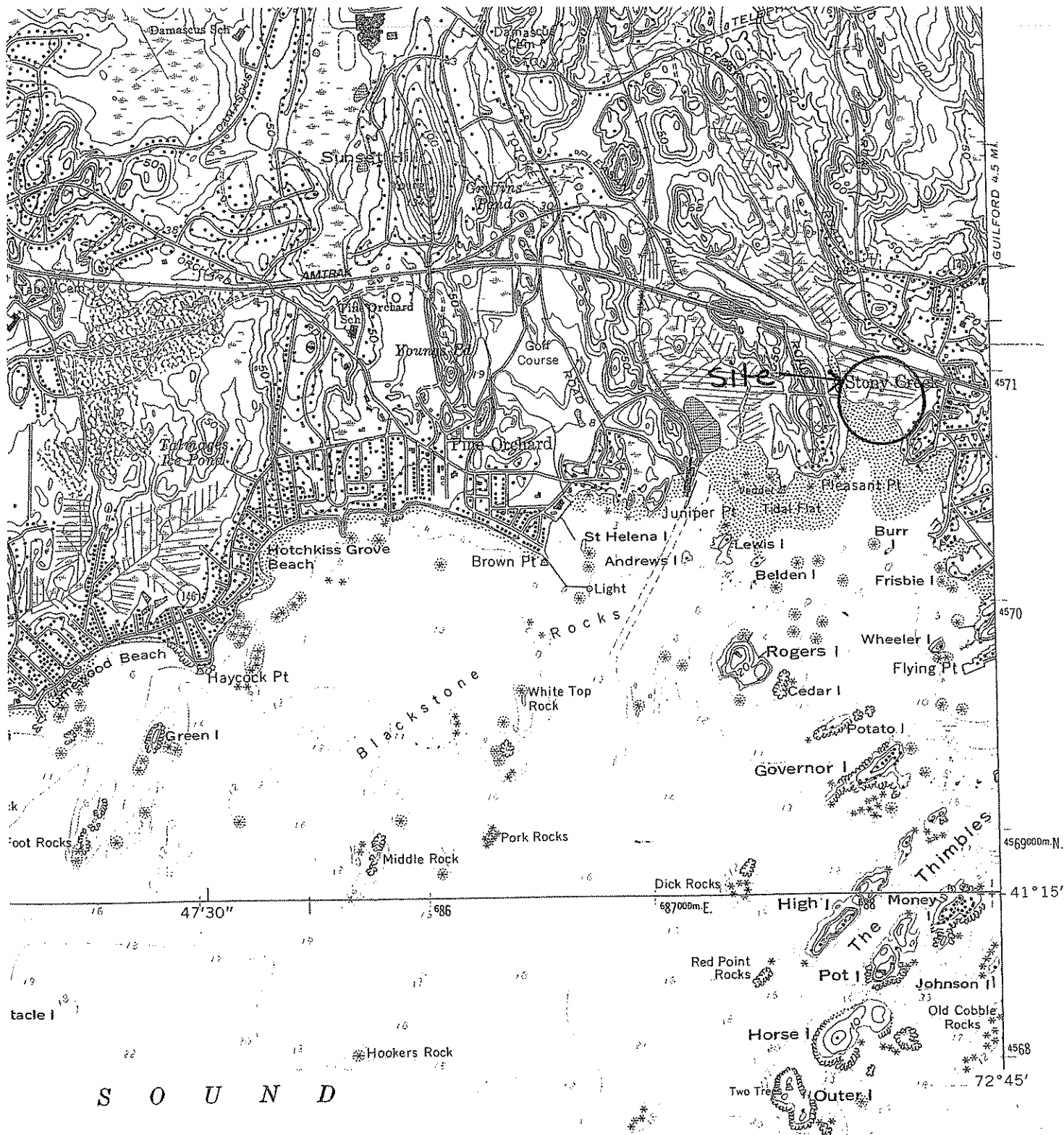
Address: _____

Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____
(signature) (date)

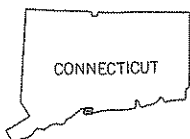


INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1984

ROAD CLASSIFICATION

| | |
|---|---|
| Primary highway, all weather, hard surface | Light-duty road, all weather, improved surface |
| Secondary highway, all weather, hard surface | Unimproved road, fair or dry weather |

Interstate Route
 U. S. Route
 State Route



QUADRANGLE LOCATION

SCALE 1:24 000

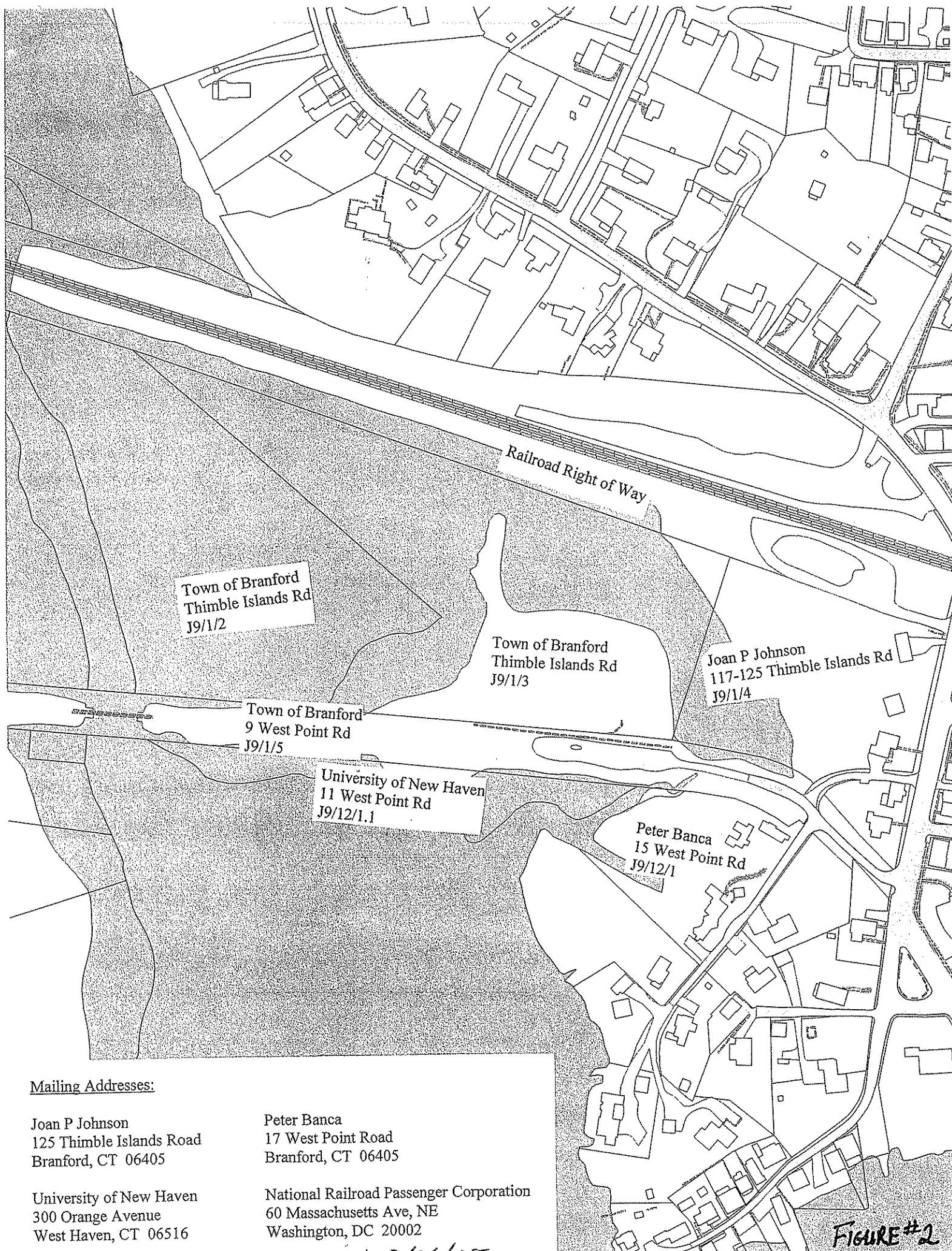
BRANFORD, CONN.
41072-C7-TF-024

Revisions shown in purple and woodland compiled in cooperation with State of Connecticut agencies from aerial photographs taken 1982 and other sources. This information not field checked. Map edited 1984

received 2/26/08

1967
PHOTOREVISED 1984
DMA 6466 IV SE—SERIES V816

FIGURE #1



Mailing Addresses:

Joan P Johnson
125 Thimble Islands Road
Branford, CT 06405

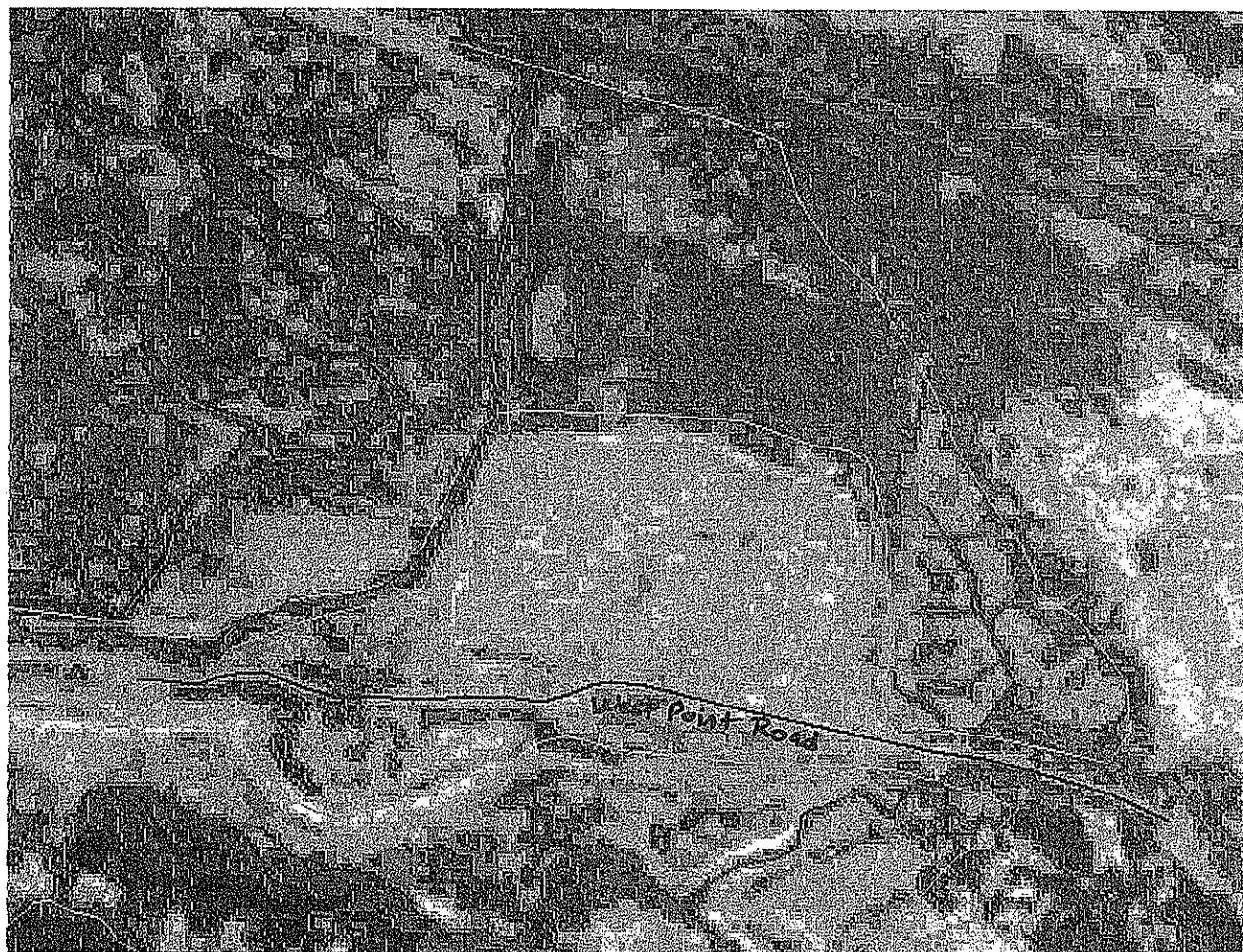
University of New Haven
300 Orange Avenue
West Haven, CT 06516

Peter Banca
17 West Point Road
Branford, CT 06405

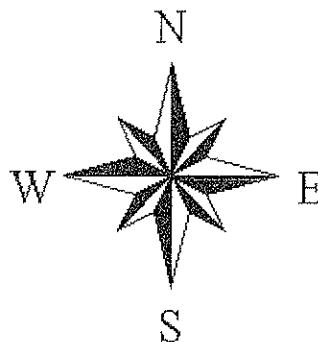
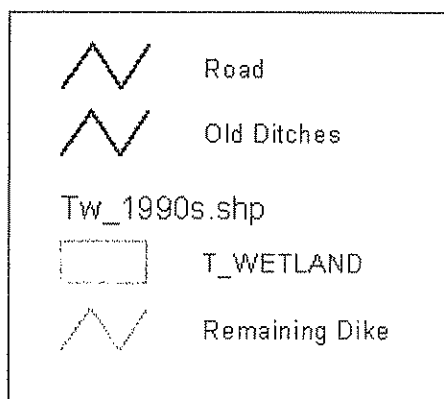
National Railroad Passenger Corporation
60 Massachusetts Ave, NE
Washington, DC 20002

received 2/26/08

Current West Point Conditions



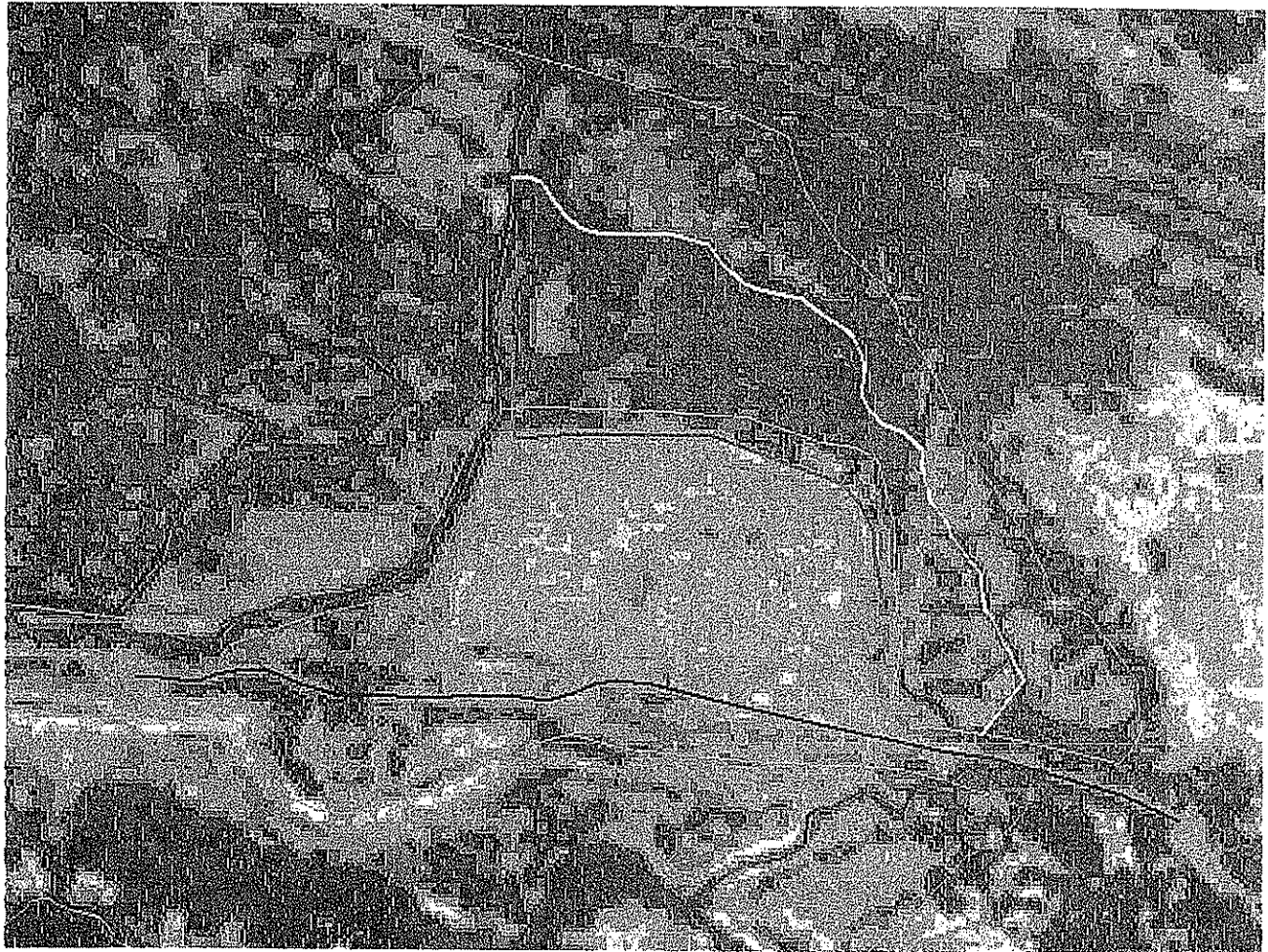
300 0 300 600 Feet



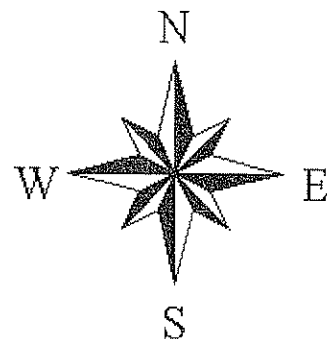
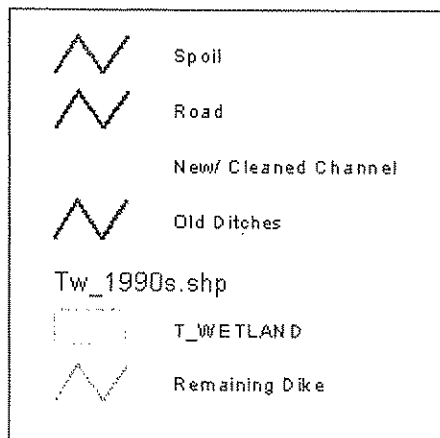
TOWN OF BRANFORD
WEST POINT ROAD
BALLFIELD MARSHES
AREA A & B
CURRENT CONDITIONS
FIGURE #3A

received 2/26/08

Proposed West Point Project

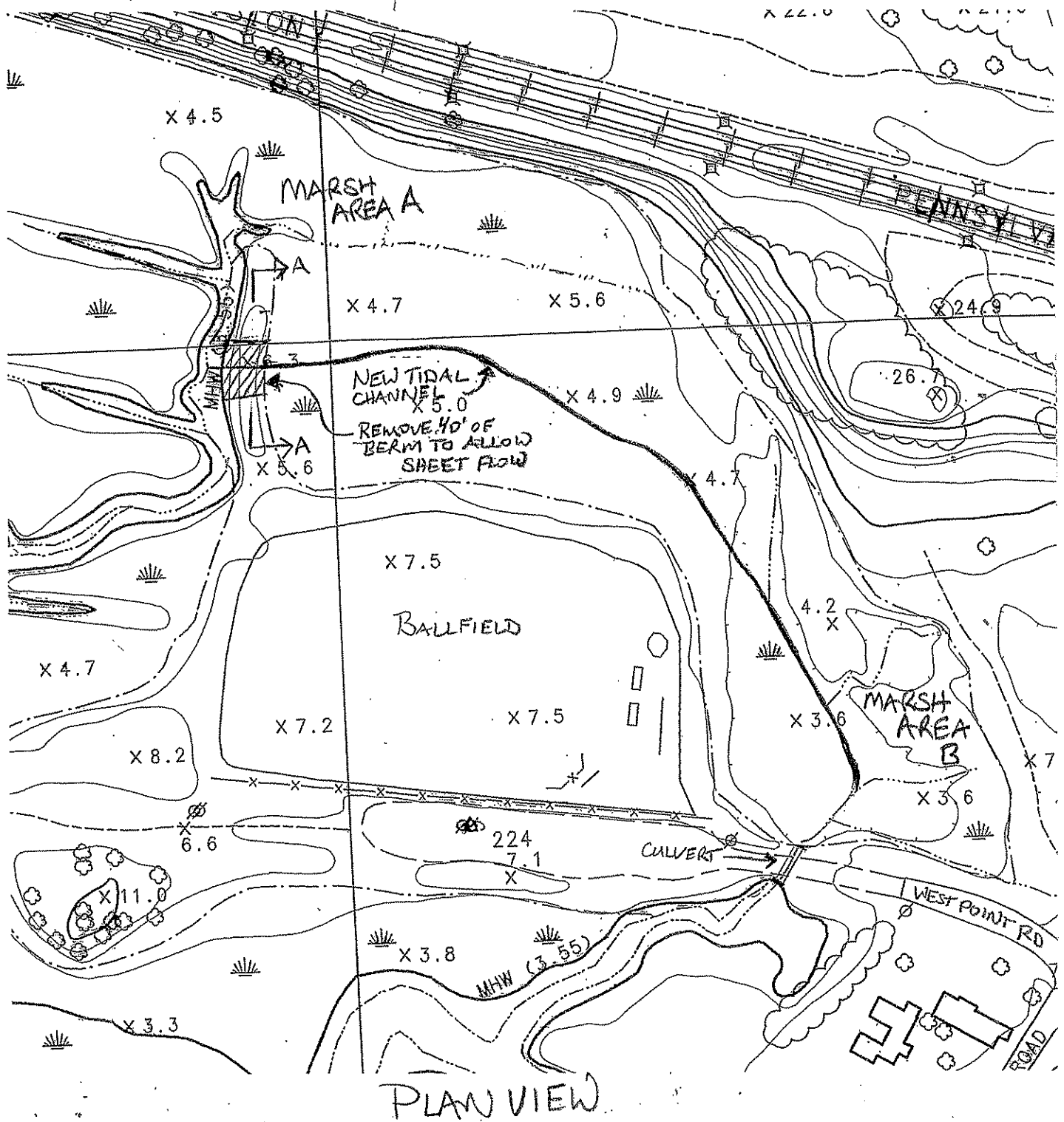


300 0 300 600 Feet



TOWN OF BRAUNFORD
WEST POINT ROAD
BALLFIELD MARSHES
AREA A & B
MARSH RESTORATION
FIGURE # 3b

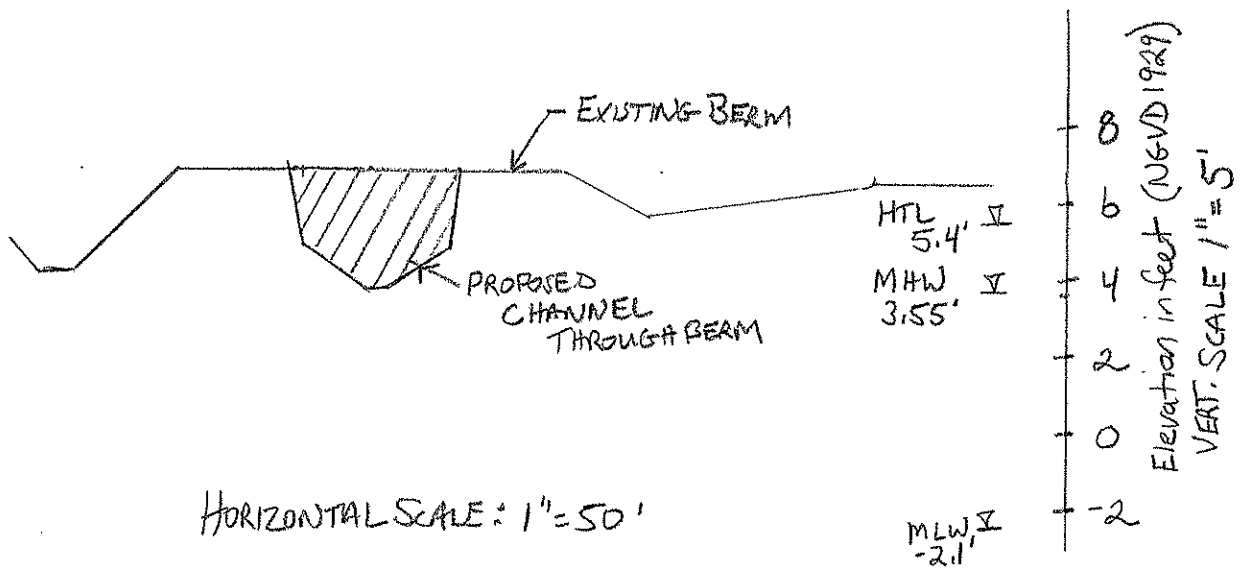
Received 2/26/08



TOWN OF BRAUNFORD
 WEST POINT ROAD
 BALLFIELD MARSHES
 AREA A & B
 MARSH RESTORATION
 PLAN
 FIGURE # 3C

SCALE 1"=100'

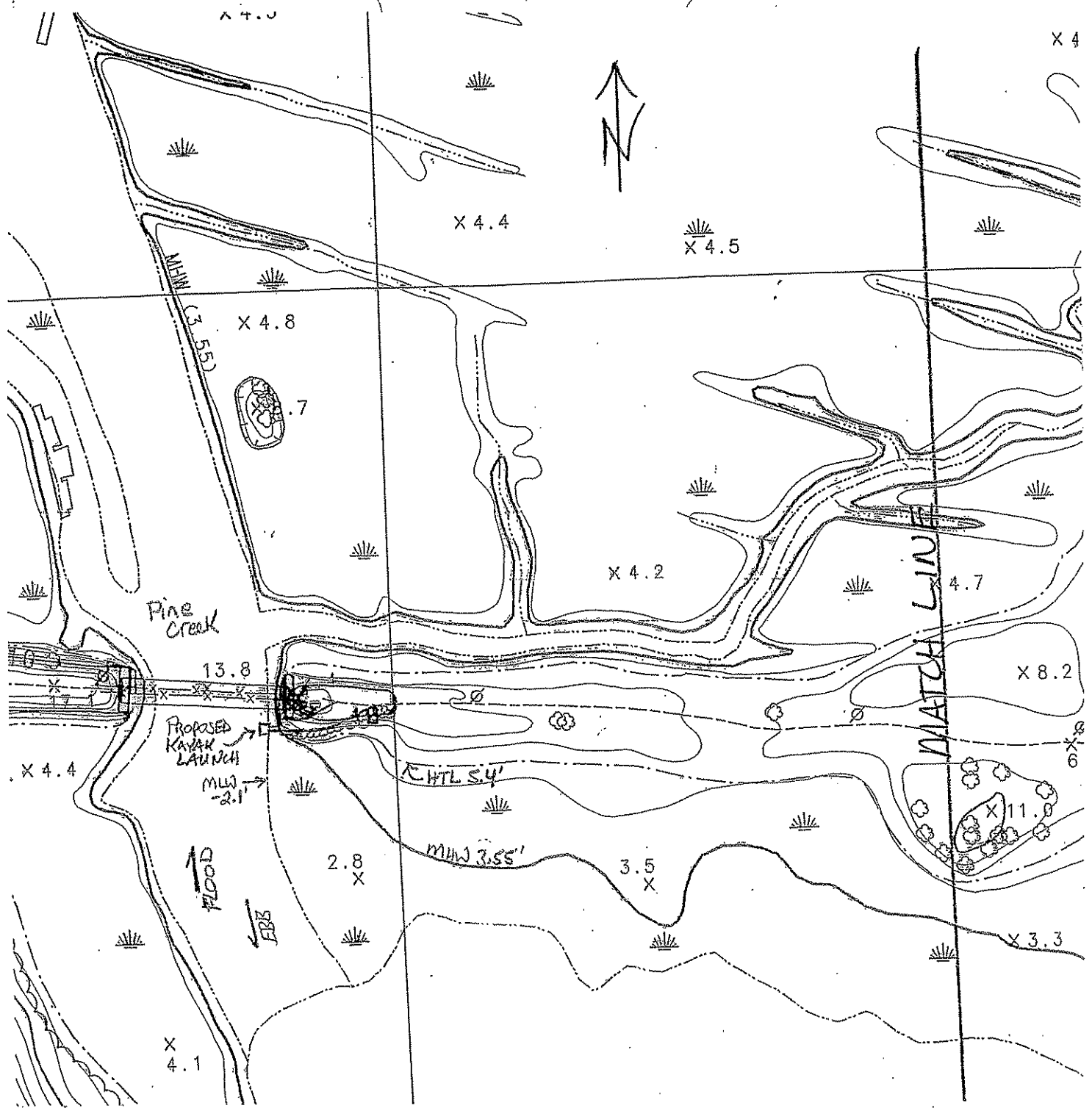
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CROSS SECTION A-A OF MARSH RESTORATION PLAN

TOWN OF BRANFORD
WEST POINT ROAD
BALLFIELD MARSHES
AREA A & B
MARSH RESTORATION
CROSS SECTION
FIGURE #3D

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SCALE: 1"=100'

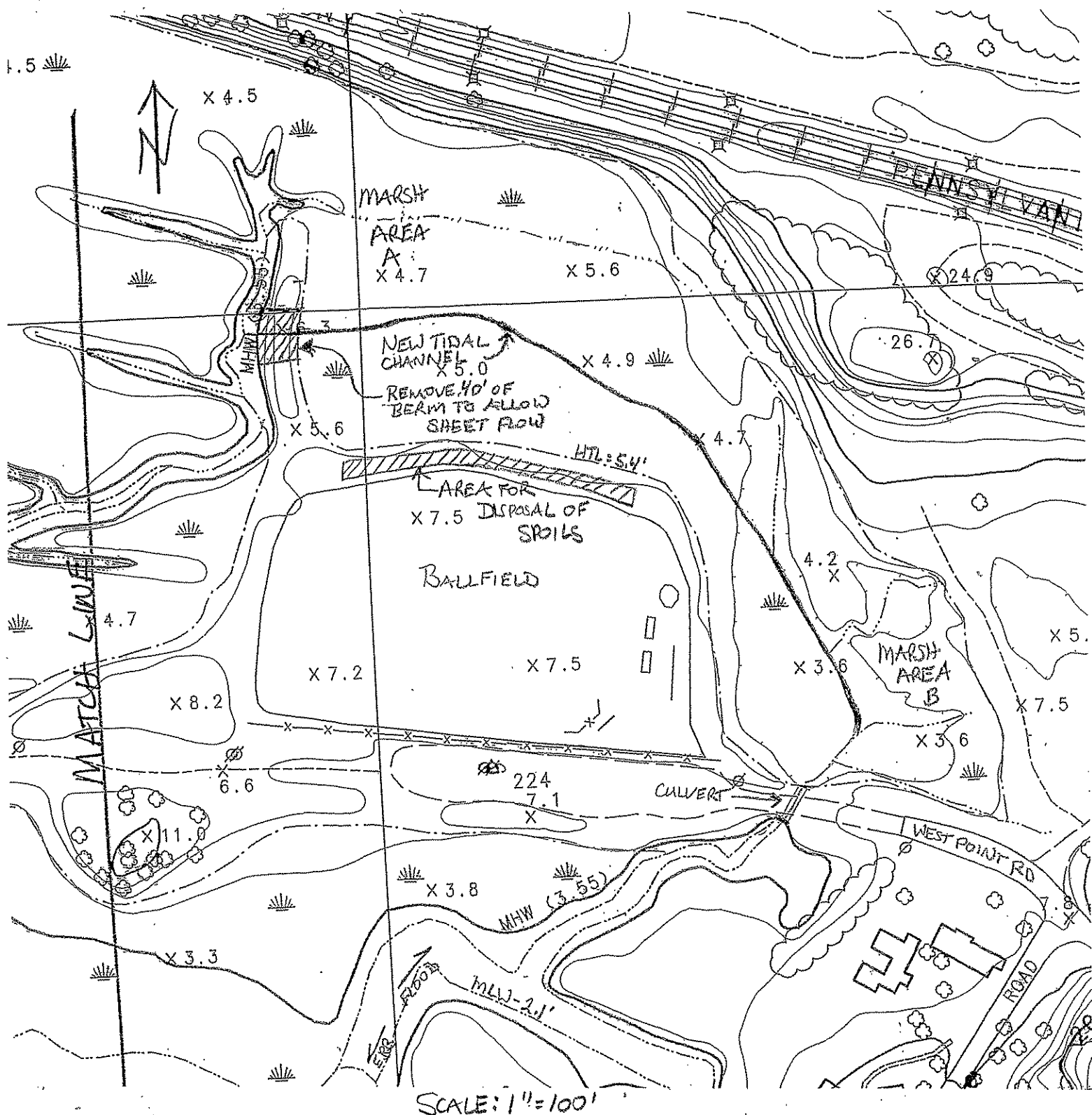
SOURCE MAP: TOWN OF BRANFORD
 TOPOGRAPHIC MAP 1999
 HORIZ. DATUM = NAD83
 VERT. DATUM = NVD29

PLAN OVERVIEW

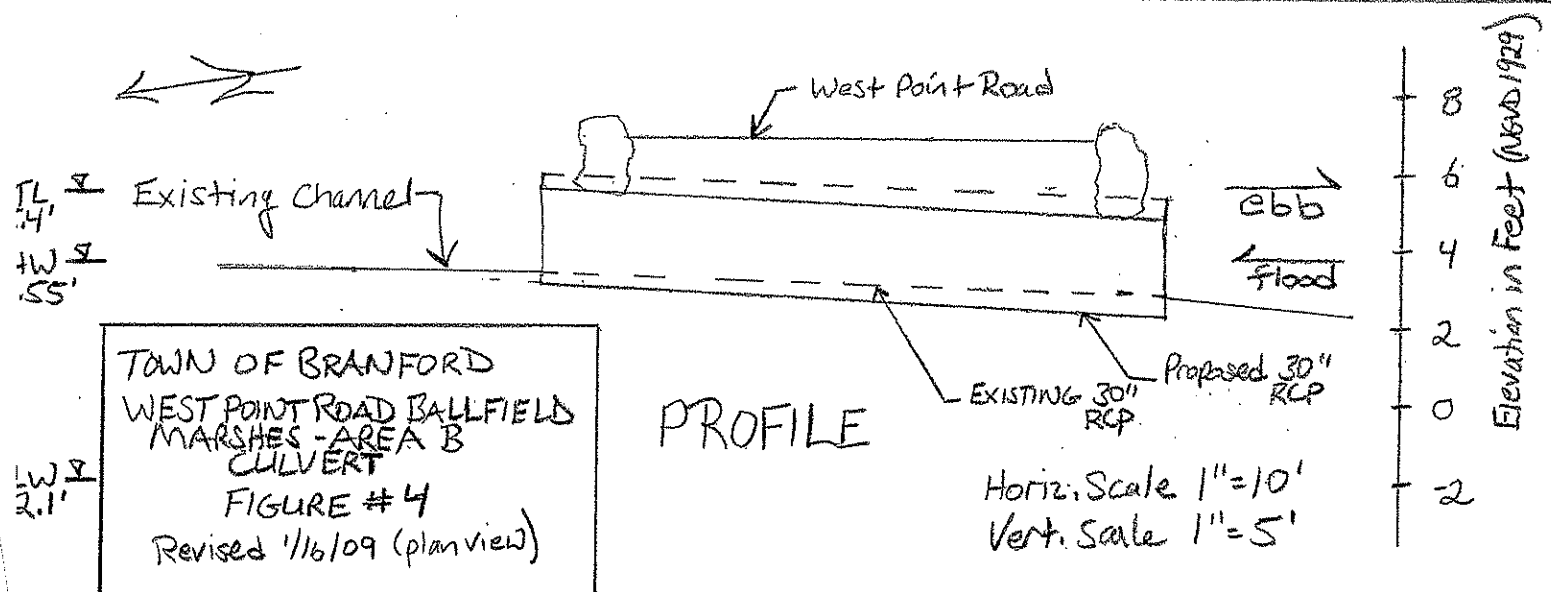
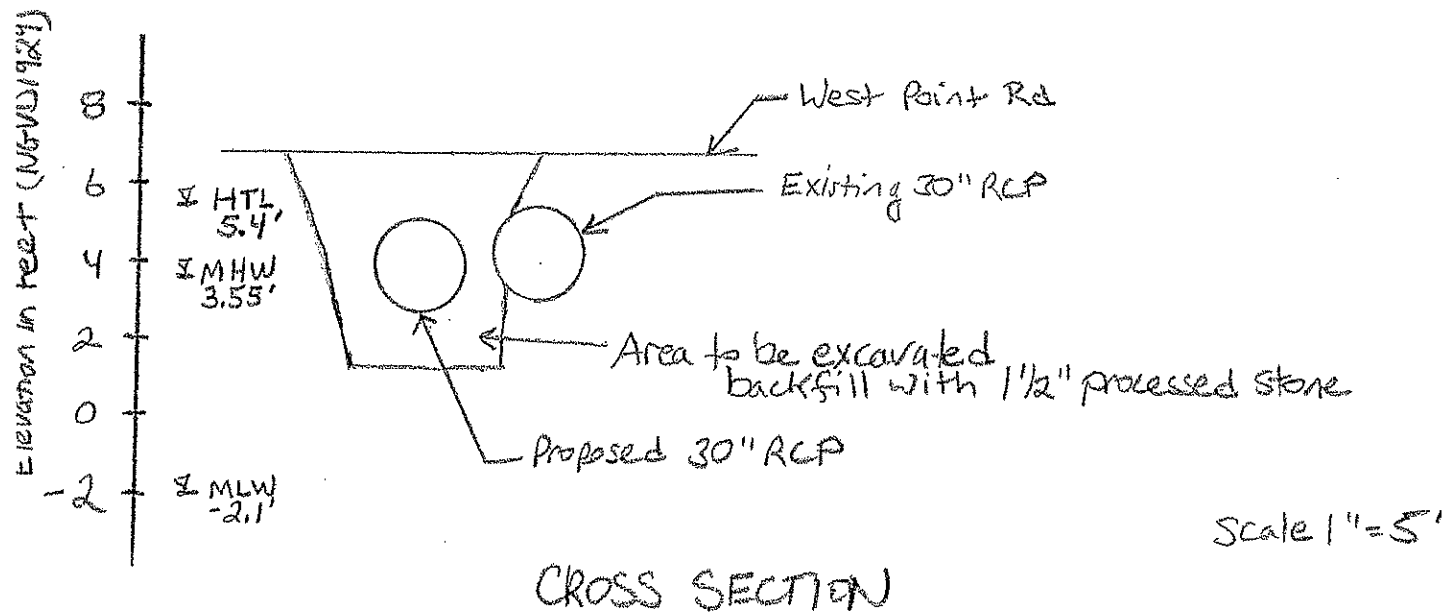
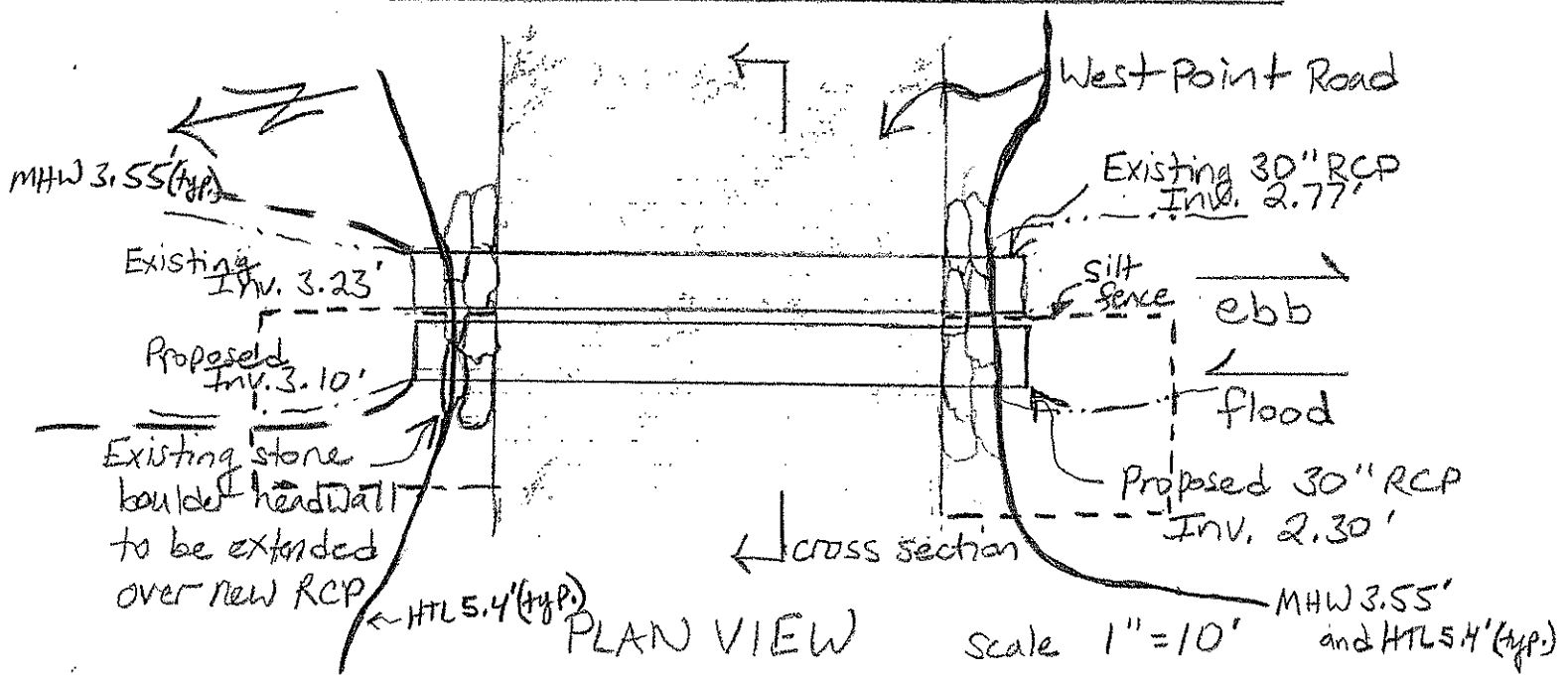
TOWN OF BRANFORD
 WEST POINT ROAD
 BALLFIELD MARSHES
 NAYA LAUNCH

FIGURE #3E

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West Point Road Culvert - Area B



TOWN OF BRANFORD
WEST POINT ROAD BALLFIELD
MARSHES - AREA B
CULVERT
FIGURE #4
Revised 1/16/09 (plan view)

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